IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

In the Matter of:

DONALD E. AUSTIN,	)	Bankr. No. 485-00639
DIAMOND MANUFACTURING CO.,	)	Bankr. No. 485-00555
INC., AND ROSE MARINE, INC.,	)	Bankr. No. 486-00143
	)	
Debtors,	)	
	)	
	)	
DIAMOND MANUFACTURING, CO.,	)	
INC.,	)	
Appellant	)	
	)	CV 490-122
v.	)	
	)	
SIGNET COMMERCIAL CREDIT	)	
CORP., AND W. JAN. JANKOWSKI,	)	
TRUSTEE,	)	
Appellees.	)	
	)	
	)	
DONALD E. AUSTIN,	)	
DIAMOND MANUFACTURING CO.,	)	
INC., AND ROSE MARINE, INC.,	)	CV 490-123
	)	
Appellants,	)	
	)	
v.	)	
	)	
SIGNET COMMERCIAL CREDIT	)	
CORP., AND W. JAN JANKOWSKI	)	
TRUSTEE,	)	
Appellees.	)	
	)	
In Re:	)	
	)	
DIAMOND MANUFACTURING CO., INC.	)	CV 490-165
	)	
Appellant,	)	
	)	
v.	)	

	)
SIGNET COMMERCIAL CREDIT CORP.	)
	)
Appellee,	)

In Re:	)	
	)	
ROSE MARINE, INC.,	)	
	)	
Debtor,	)	
	)	
	)	Adversary No.88-4038
ROSE MARINE, INC.,	)	CV 490-194
	)	
Plaintiff/Appellant,	)	
	)	
v.	)	
	)	
MARINE CONTRACTING CORP., EARL J. HADEN, JR., ROBERT H. THOMPSON, and JOHN BUDGE,	)	
	)	
Defendants/Appellees,	)	
	)	
	)	
DIAMOND MANUFACTURING CO., INC., ROSE MARINE, INC., and DONALD AUSTIN,	)	CV 490-210
	)	
Appellants,	)	
	)	
v.	)	
	)	
SIGNET COMMERCIAL CREDIT CORP.,	)	
	)	
Appellee,	)	
	)	
	)	
DIAMOND MANUFACTURING CO., INC., ROSE MARINE, INC., and DONALD AUSTIN,	)	CV 490--211
	)	
Appellees,	)	
	)	
v.	)	
	)	
SIGNET COMMERCIAL CREDIT CORP.,	)	
	)	
Appellee.		

O R D E R

Donald E. Austin, Diamond Manufacturing Co., Inc., and Rose Marine, Inc., ("debtors") have moved this Court to reconsider its denial of debtors' emergency motion and application for a temporary restraining order and preliminary injunction. Debtors primarily argue that the Court did not address the debtors' application for temporary and preliminary injunctive relief. Although the Court has already denied this motion as moot, it will clarify what is obvious from its Memorandum Order of June 26: The Court denied both the debtor's motion to stay sale and their application for injunctive relief. Moreover, the instant motion is moot, in that it seeks to enjoin a sale which has already taken place. Accordingly, the debtors' motion for reconsideration is DENIED as to injunctive relief as well.

Debtors have also moved the Court pursuant to 28 U.S.C. §157(d) (1988), to withdraw reference of these related bankruptcy proceedings from the Bankruptcy Court and take full jurisdiction over the cases. The Court DENIES debtors' motion. Section 157(d) requires that withdrawal of reference be supported by "cause shown." To satisfy the "cause shown" requirement, the debtors must establish that withdrawal of reference from the Bankruptcy Court would: (1) promote uniformity in bankruptcy administration; (2) reduce forum shopping and confusion; (3) foster economical use of debtors' and creditors' resources; and (4) expedite the bankruptcy process. E.g., Holland Am. Ins. Co. v. Succession of Roy, 777 F.2d 992, 999 (5th Cir. 1985). Debtors

have made no such showing. All

that the debtors have proffered as support for their motion--in fact, the crux of every single pleading filed on behalf of the debtors in this appeal and its sequelae--is the claim that the creditors lied during the bankruptcy proceeding. That the creditors may have "lied" does not pertain to any of the four factors relevant to the "cause shown" requirement.

The debtors, who are all represented by Mr. Austin, who also represents himself, have continually barraged the Court with redundant "briefs," "pleadings," and "memoranda." This unnecessary bombardment disserves one of the very factors the debtors were to establish to justify withdrawal of reference from the Bankruptcy Court--fostering economical use of debtors' and creditors' resources. As of this date, the debtors, by Mr. Austin, have filed eight volumes of Bankruptcy Court records, seventeen briefs, fourteen motions, and several miscellaneous letters not reflected in the docket sheet.[1] The apparent purpose of this Appalachian-sized paper trail is simply to inform the Court that "the creditors lied." In addition to depletion of debtors' and creditors' resources, the voluminous pleadings in this case are depleting judicial and, at this point, even natural resources. Debtors "briefs" range in length from twelve to fifty pages, and are usually bereft of citation to legal authorities.

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[1] See Docket sheets attached as appendix to this Order.

Typical is Appellant's Reply Brief to Brief of Signet Commercial Credit Corporation, Appellee, No. CV 490-122 (filed June 18, 1990). This "brief" is twenty-five pages

long, yet contains citation to only one bankruptcy rule, one federal statute, and one case (without mentioning in which reporter, if any, this case is reported.) Repeated, like a mantra, throughout these vapid briefs is the allegation that the creditors have "lied" during the proceedings, and that the Bankruptcy Court has been duped by the alleged untruths.

This Court will decide the debtors appeal in due time, but to reach-the merits, the Court now must slash through an increasingly dense thicket of useless pleadings submitted by the debtors (i.e., Mr. Austin). This proliferation of pleadings is necessarily expanded by the appellees, who have no choice but to respond, or, under Local Rule 6.2, be deemed not to oppose debtors' motions. The Court need not, however, stand idly by while Mr. Austin acts irresponsibly;[2] it is empowered to levy sanctions under Fed. R. Civ. P. 11 and 28 U.S.C. § 1927 (1988) for unreasonable and vexatious multiplication of the costs of litigation. Debtors

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[2]Were Mr. Austin a layperson pro se litigant, the Court would gladly fulfill its duty to construe such pleadings liberally to take into account a layman's justifiable unfamiliarity with the pleadings, procedure, and citation style peculiar to the legal profession. E.g., Sizemore v. Williford, 829 F.2d 608, 610 (7th Cir. 1987). No such deference is called for where an attorney is concerned. Indeed, that Mr. Austin is an attorney makes this situation all the more incredible. The Court routinely receives pro se prisoner complaints that are more useful and professional than the pleadings of the debtors.

appear to have crossed this line long ago. Accordingly, as suggested by the en banc Eleventh Circuit in Donaldson v. Clark, 819 F.2d 1551, 1560 (11th Cir. 1987), the Court hereby gives notice to the debtors that any further unsupported or duplicative

pleadings in these cases will result in substantial monetary sanctions under these provisions against Mr. Austin, as both counsel and a party to these appeals.

Further, the Court, in the interest of judicial economy--and in consideration of the lives of innocent trees--hereby orders that the debtors shall not file any further documents, pleadings, motions, briefs, memoranda, or any other written work with this Court without first having obtained leave of the Court to do so. See Yocum v. Dixon, 729 F. Supp. 616, 621 (C.D. Ill. 1990) (where litigant, as here, abuses the legal system and creates an unnecessary amount of work for the Clerk's Office, Court, and Court's staff, in the pursuit of ridiculous allegations, such an order should issue).

CONCLUSION

ACCORDINGLY, the Court hereby ORDERS that:

1) Debtors' motion to reconsider its emergency motion for, inter alia, temporary and preliminary injunctive relief is DENIED as moot;

2) Debtors' motion to withdraw reference from the Bankruptcy Court is DENIED;

3) Mr. Austin is hereby given notice that any further unsupported or duplicative pleadings in these related cases will result in the imposition of monetary sanctions; and

4) Debtors shall not submit any further written motions or pleadings with the Court without first applying for, and obtaining, leave of the Court to do so.

SO ORDERED this 6th day of August, 1990.

B. AVANT EDENFIELD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA